THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24762 of 1997

Dated: 16.03.2007

Between:

The Depot Manager,
APSRTC, Bodhan Depot,
Nizamabad District.

... Petitioner

AND

P.B. Reddy & another.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 24762 of 1997

ORDER:-

This writ petition is filed by the Depot Manager, APSRTC, Bodhan Depot, questioning the Award of the Labour Court-II, Hyderabad (for short "the Labour Court") passed in I.D.No.31 of 1994 dated 10.09.1996 and published on 26.05.1997. By the said Award, the Labour Court set aside the order or removal of respondent No.1 and directed the petitioner herein to reinstate respondent No.1 into service with attendant benefits, continuity of service and with 25% of backwages from the date of petition till reinstatement.

At the hearing of the case, it has come to light that the wife of the 1st respondent Smt. P. Lalitha filed WPMP.No.34336 of 2006 in W.P.No.24762 of 1997 seeking to implead her as the legal representative of respondent No.1, who died on 20.01.2002.

Sri K. Vasudeva Reddy, learned counsel appearing for the said applicant filed a Memo today for taking on record certain material papers.

A reading of the material papers shows that the letter dated

20.11.2004 filed along with the said memo was addressed by the petitioner in the main writ petition to the Senior Law officer, APSRTC wherein it was stated that the 1st respondent was retired on medical grounds on 30.12.1998 and he subsequently died on 20.01.2002. It clearly shows that the petitioner is well aware of the death of respondent No.1, but he has not taken any steps to bring the legal representatives of the 1st respondent on record. Sri K.Vasudeva Reddy on instructions sought for permission to withdraw WPMP.No.34336 of 2006 filed by the legal representatives of the deceased, 1st respondent and the said application was dismissed as withdrawn today by a separate order.

Now the fact remains that though the 1st respondent died on 20.01.2002 and the petitioner was well aware of this fact at least on 20.11.2004 when he wrote a letter to Senior Law Officer of APSRTC, no steps were taken by the petitioner to bring the legal representatives of the deceased 1st respondent on record, in whose favour the Award was passed and which award is challenged in the present writ petition.

In the absence of legal representatives, the petitioner cannot pursue this writ petition.

For the aforementioned reasons, the writ petition is therefore dismissed. No costs.

C.V. NAGARJUNA REDDY, J

Date: 16.03.2007
ES